

**From:** Lilley Kris  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

To Whom It May Concern:

As a programmer and IT professional, I have been following the anti-trust case against Microsoft quite closely. It is hard to believe, after all the evidence presented during the trial, that the currently proposed settlement is even being considered. I think Microsoft demonstrated very well after the last anti-trust suit against them that they will not abide by the spirit of an agreement, but only by the letter (and even that is arguable). Microsoft reduced the previous consent decree to a meaningless and ineffective piece of paper simply by changing their contracts with OEMs slightly. It had no significant effect whatsoever on their business practices. With that in mind, I believe that any settlement with Microsoft must be made air-tight. I like the idea of a committee to oversee Microsoft to ensure compliance with the eventual terms set either by a settlement, or by the court. I simply can't see any reason why Microsoft should be allowed to select any of the people that will make up the committee, though. Microsoft is utterly unrepentant and quite ruthless. It would be folly to give them any opportunity to set the committee up for failure.

As for the terms of the proposed settlement, I believe that they will not adequately address the situation in a manner that will allow competition and innovation to thrive in the industry. Specifically, there are 2 areas that concern me the most:

1) Microsoft's APIs, file formats, and protocols.  
The complete documentation for these must be made public. Any future changes must also be made public in a timely manner. This should allow other companies to produce products that can compete with Microsoft's products by removing a major barrier to entry, namely that no company can afford to convert all of its existing documents into a new format in order to take advantage of a non-Microsoft office suite or other applications. Currently anyone using Microsoft products is effectively "locked in" to those products because they cannot be easily converted to another format. While some programs exist that can read and write documents in Microsoft's formats, they are not entirely compatible and often fail on complex documents due to a lack of complete documentation available from Microsoft. Network effects are a particularly difficult barrier for companies seeking to enter a market dominated by another. Anything that can be done to reduce this barrier can only help to create more opportunity in the market.

Microsoft has apparently inserted a clause in the current proposed settlement that would allow them to refuse to publish a format,

protocol, or API if it would be a security risk. Since virtually all of Microsoft's formats, protocols, and APIs have some security component to them, I'm afraid they will use this clause to effectively nullify that portion of the settlement. Security features should work regardless of whether their mechanism is known or not. If this clause remains in the settlement, it should be modified to give the decision-making power to the oversight committee or to the court, and such decisions should be expedited so that Microsoft cannot introduce further delays to the application of remedies in this case.

2) Microsoft's business practices.

Microsoft must not be allowed to enter into deals with OEMs, ISPs, or other businesses that would create disincentives or prohibit those companies from offering non-Microsoft products or services to their customers. Since the vast majority of the desktop computing world currently uses Microsoft products, OEMs, ISPs, and others must be able to offer those products to consumers. To allow Microsoft to continue to take advantage of that situation by prohibiting those companies from offering alternatives, either by outright prohibition, or by economic disincentive, is to allow Microsoft to continue to hold the industry hostage.

If these concerns are addressed by the eventual settlement or court ruling, they should remove most of Microsoft's ability to abuse its monopoly power to the detriment of the industry. I feel that a healthy IT industry should consist of competing products from a variety of companies, all able to interoperate with each other, with no single company able to leverage its dominance in one area to bolster its position in another.

Respectfully,

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